



PATENT
5000-74400/TT1441

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Freitag, et al.

Serial No. 09/228,445

Filed: January 11, 1999

For: SYSTEM AND METHOD FOR
DIGITAL COMMUNICATION VIA
A TIME DIVISION MULTIPLEXED
SERIAL DATA STREAM

§ Group Art Unit: 2665
§ Examiner: Nguyen, P.
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§ Atty. Dkt. No. 5000-74400
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

Dec. 28, 2004
Date

Robert C. Kowert

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted in response to the Notice of Non-Compliant Amendment that was mailed from the U.S. Patent Office on December 3, 2004. The Notice stated that the Amendment filed on November 15, 2004, was considered non-compliant because it failed to meet the requirements of 37 CFR 1.121. Applicants note that the Amendment filed on November 15, 2004, was not a formal Amendment, but rather a copy *requested by the Examiner* of a previous Amendment which was filed on April 17, 2003, before the new amendment rules came into effect.

In the Office Communication dated October 28, 2004, the Examiner indicated that the Office lost several pages of the Amendment of April 17, 2003 when converting the present application to an image file wrapper (IFW). The Examiner requested that Applicants provide a copy of the Amendment filed on April 17, 2003. Thus, Applicants' submission on November 15, 2004 was simply in response to the Examiner's request to provide a copy of the previously filed amendment. Applicants' submission on November

15, 2004 was not a new amendment. Therefore, Applicants assert that the Notice of Non-Compliant Amendment was sent in error.

CONCLUSION

This response constitutes a complete response to all issues raised in the Notice of Non-Compliant Amendment.

The Commissioner is authorized to charge any fees which may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 50-1505/5000-74400/RCK.

Respectfully submitted,



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Date: December 28, 2004